

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FREDYS MARTINEZ,

Petitioner,
V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:10-CV-00777-LRH-VPC**

JACK PALMER, et al.,

Respondents.

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that respondents' motion to dismiss (#36) is **GRANTED**. This action is **DISMISSED** with prejudice as untimely.

IT IS FURTHER ORDERED that a certificate of appealability is **GRANTED** on the issue of whether the court is correct in its determination that equitable tolling is not warranted.

February 25, 2013

LANCE S. WILSON

Clerk

/s/ D. R. Morgan

Deputy Clerk